

Book Reviews

LAW, LIBERTY AND PSYCHIATRY: AN INQUIRY INTO THE SOCIAL USES OF MENTAL HEALTH PRACTICES. By Thomas S. Szasz, M.D. New York: The Macmillan Company. 1963. Pp. 281. \$7.50.

Law, Liberty and Psychiatry is an irresponsible, reprehensible, and dangerous book. It is irresponsible and reprehensible because the author must surely know better. It is dangerous because its author is clever, brilliant, and articulate—the book reads well and could be most convincing to the intelligent, but uncritical reader. Dr. Szasz has had the best of training in medicine, psychiatry, and psychoanalysis. His teaching and clinical experience have been most extensive, and he well-earned his post as professor of psychiatry at the State University of New York Upstate Medical Center in Syracuse. Many outstanding psychiatrists, and particularly psychoanalysts, are abysmally ignorant about the complex and conflictive relationship between psychiatry and the law. Every so often one will write an article on a medico-legal issue in which the author's naiveté is betrayed. Such articles are harmless—at worst they provide useful citations for legal authors who wish to demonstrate that psychiatry is not an "exact science."

Thomas S. Szasz is neither ignorant nor naive about law and psychiatry. His numerous publications in the field of forensic psychiatry¹ have been considered by many psychiatrists and psychoanalysts, including myself, as outstanding. Each new professional publication by Szasz has been anticipated as a thought-provoking venture into the perplexities of criminal law, the responsibility of the mentally ill, the social functions of psychiatry, and the ever-present, critical deficiencies of psychiatric nosology.² From each of his earlier publications the reader emerges wiser, stimulated, and above all, much, much clearer as to the basic issues involved in the tangled inter-actions of psychiatry, the law, and society. Dr. Szasz' contributions have been especially brilliant in those very areas where the best of us have tended towards obscurantism and neat evasions of central problems. Law and psychiatry is such a vast arena of technicalities, trivialities, and disputations over clichés and stereotypes that it is very easy to write reams without ever coming close to fundamental issues. Many a so-called authority in legal psychiatry has established his reputation through a continuous outpouring of evasive trivia. Thomas Szasz was never one of these.

Nor is *Law, Liberty and Psychiatry* concerned with the unimportant, the irrelevant or the technical. Rather, it is concerned with the basic social functions of psychiatry. Szasz believes that psychiatry is a "form of social engineering"³ and that "psychiatric activity is medical in name only."⁴ He believes that the

¹ E.g., Szasz, *Psychiatric Expert Testimony—Its Covert Meaning and Social Function*, 20 PSYCHIATRY 313 (1957); Szasz, *Some Observations on the Relationship Between Psychiatry and the Law*, 75 A.M.A. ARCHIVES OF NEUROLOGY AND PSYCHIATRY 297 (1956).

² Nosology is that branch of medical knowledge which is concerned with the classification of diseases.

³ SZASZ, *LAW, LIBERTY AND PSYCHIATRY: AN INQUIRY INTO THE SOCIAL USES OF MENTAL HEALTH PRACTICES* vii (1963) [hereinafter cited as Szasz].

⁴ *Ibid.*

mental health concept contains within itself social values of despotism which masquerade under the guise of "false psychiatric liberalism."⁵ And most certainly, Szasz does not evade. He meets the issues bluntly and head-on. As a proclaimed libertarian, he devotes the major portion of his book to an attempted demonstration that psychiatry—especially legal psychiatry—is an insidious brain-washing process which is used to undermine our traditional moral values and to impose authoritarian restrictions upon individual liberties.

Szasz is not only convinced that psychiatrists are not true members of the healing profession, but that there is nothing analogous between illness of the body or brain and illness of the mind. He begins, "Let us launch our inquiry by asking, somewhat rhetorically, whether there is such a thing as mental illness. My reply is that there is not."⁶ What psychiatrists call mental illness is just a "name for problems of living."⁷

This is a very intriguing idea—since the rise of psychoanalytic psychiatry with its emphasis upon the dynamic psychological forces of the mind as the basis of symptom formation, psychiatrists have had less and less faith in the nineteenth century neurological dream of discovering the specific brain pathology which would account for their patients' irrationalities. Even with the recent resurgence of interest in such physical methods of treatment as shock therapy and tranquilizers, there has been little expectation that the problems of mental illness could be explained by specific structural or physiological abnormalities of the nervous system. Since 1900, when Freud published the basic bible of psychoanalysis, *The Interpretation of Dreams*, psychiatry has undergone, and continues to undergo, a vast revolution in its theories and practices. The psychological *versus* the organic explanation of mental abnormality attracts advocates who argue their cases with fervor and vigor, and only too often with a lack of scientific objectivity.⁸ Most of us, I suppose, in our daily practice, do what is convenient. When psychological theories seem to fit our cases and prove to be therapeutically useful, we use them. When physiological concepts seem valuable, we apply them. And we do evade the inconsistencies and the irreconcilables in our practice.

But Szasz does not. He faces these issues directly. He does it, however, in such an astonishing manner, with such gross inaccuracy, and with such crude subordination of what must be his professional experience and knowledge to his personal ideology that this reader is filled with feelings of surprise and dismay. The problem of the psychologic versus the organic is disposed of neatly and simply: since there is no such thing as mental illness, there is no need to explain deviant behavior in other than social, ethical, and legal terms. The deviant is not sick or helpless. Rather, he is deficient in moral, ethical, and social responsibility. If psychiatrists claim to heal these deviants, in reality they are only imposing their own brand of "moral Fascism." "And upon those unwilling to heed peaceful persuasion, the values of the state will be imposed by force: in political Fascism by the military and the police; in moral Fascism

⁵ *Ibid.*

⁶ SZASZ 11.

⁷ *Id.* at 13.

⁸ For a discussion of the psychological-organic controversy without the political overtones which Szasz insists upon, see MENNINGER, *THE VITAL BALANCE* (1963). See also Diamond, *From M'Naghten to Currens, and Beyond*, 50 CALIF. L. REV. 189 (1962).

by therapists, especially psychiatrists. I think that we are rapidly heading toward the Therapeutic State."⁹

Szasz makes snide, personal attacks upon just about all of the outstanding leaders in forensic psychiatry: Guttmacher, Overholser, Weihofen, Alexander, Roche, Bazelon, and others—psychiatrists and jurists alike are the recipients of Szasz' hostility.¹⁰ Szasz arrogantly forgets that they, and many others too, have been concerned with the very problems that preoccupy him: the rights of the mentally ill, justice and the criminal responsibility of the mentally ill offender, and the hypocrisies of the prison-disguised-as-hospital. They, too, condemn the psychiatrist who plays detective, who manipulates and exploits his patients, and who eagerly allows himself to become the instrument of oppressive and authoritarian social policy. They, too, have pondered over the spurious analogy between physical disease and mental illness. And they, too, have been alarmed about the utilization of euphemistically designated "welfare and institution" codes which permit up to lifetime incarceration of special classes of offenders, such as sex deviates, with few of the safeguards of the traditional criminal law.¹¹

Szasz denounces, with force and persuasion, these abuses of mental health concepts in the service of the law. In the process of argumentation, however, he denounces everyone but himself. He seems to regard himself as a sort of charismatic, iconoclastic prophet who will lead us out of the wilderness of mental illness into the promised land of morality and individual responsibility.

Szasz states, "A vast amount of psychiatric effort has been, and continues to be, devoted to legal and quasi-legal activities. In my opinion, the only certain result has been the economic enrichment of psychiatrists and the professional aggrandizement of psychiatry."¹² Among psychiatrists, he recognizes only himself and Wertham¹³ as being aware of the dangers of forensic psychiatry.¹⁴ Contrary to what Szasz implies, psychiatrists are seldom complacent and smug about their own theories, principles or practice. A cursory acquaintance with psychiatric professional literature reveals the intense, constant self-criticism and dissatisfaction with existing concepts of mental disease. Indeed,

⁹ SZASZ 248.

¹⁰ *Id.* Ch. 8, *passim*. A typical Szasz comment: "Weihofen, a professor of law, not psychiatry, suffers from a bad case of indigestion caused by an excessively rich diet of so-called enlightened and progressive psychiatry. He is more fanatical on the theme of *illness-über Alles* than even Alexander or Bazelon. Perhaps this is partly because he accepted as correct a vast amount of psychiatric misinformation." SZASZ 100. Professor Weihofen, Judge Bazelon, and the psychiatrists Guttmacher, Overholser, Alexander, and Roche each have been the recipient of the Issac Ray Award of the American Psychiatric Association. This award is given annually to the member of the legal or medical profession who is regarded as having made the most outstanding contribution to the relationship of psychiatry and law.

¹¹ See, e.g., ALEXANDER & STAUB, *THE CRIMINAL, THE JUDGE AND THE PUBLIC* (1929); MENNINGER, *THE VITAL BALANCE* (1963); OVERHOLSTER, *THE PSYCHIATRIST AND THE LAW* (1953); ROCHE, *THE CRIMINAL MIND* (1958); WEIHOFEN, *THE URGE TO PUNISH* (1956); ZILBOORG, *THE PSYCHOLOGY OF THE CRIMINAL ACT AND PUNISHMENT* (1954). See also *Durham v. United States*, 214 F.2d 862 (1954) and the many subsequent decisions of the United States Court of Appeals for the District of Columbia authored by Judge David Bazelon.

¹² SZASZ 92.

¹³ Wertham is best known for his preoccupation with comic books as the major cause of juvenile delinquency. See WERTHAM, *SEDUCTION OF THE INNOCENT* (1954).

¹⁴ SZASZ 92.

it is this very controversy over the theory and practice of psychiatry which gives rise in the judicial mind to the belief that psychiatry is not a science at all.

The struggle for the humane care of the mentally ill and the elimination of the snake-pits of the old custodial institution has been long and difficult.¹⁵ And no one knows better than the psychiatric profession how much is yet to be accomplished.¹⁶ Most certainly the dangers of forensic psychiatry are recognized by almost all psychiatrists. The dangers, however, are not of "economic enrichment" and "professional aggrandizement" as claimed by Szasz.¹⁷ The dangers are hopelessly antiquated legal rules of criminal responsibility, miserably inadequate financial appropriations for the care of the mentally ill, and primitive, superstitious public fears of the mentally disordered. These are the forces which create the hospital which is worse than the jail, the institution of barren custody and social ostracism, and the deprivation of even the minimal human rights—yet alone, civil rights—of the mentally ill. Here I would go further than Szasz. I would insist that the mentally ill comprise the most discriminated against and persecuted class of individuals in the United States today.

In urging upon us his own political ideology, an ideology of extreme libertarianism, and individual responsibility, which equates any type of government intervention for welfare or security purposes as Fascism, Szasz appears to abandon his sense of professional integrity and to leave behind his clinical skills and experience. He discusses clinical cases and quotes extensively from the professional literature to support his conclusions. I am familiar with the details of certain of these cases, and I know very well the professional articles from which he draws material. I am indignant and outraged by the apparent distortion and falsity of this material. He constantly makes inferences and draws the reader towards conclusions which seem quite logical as Szasz presents the material, but which simply are untruthful in the context of the originals.¹⁸

Frequently Szasz disarms the reader by admitting frankly that he knows nothing about the clinical details of a case. He then proceeds to make assumptions and to draw inferential conclusions with such glib sureness that the reader forgets that there was no such evidence in the first place as Szasz has assumed. For example, he describes the case of a Mrs. Curry.¹⁹ In 1958 this Negro woman stabbed the Reverend Martin Luther King in a Harlem department store. She was indicted for attempted murder but found to be too mentally

¹⁵ See generally DEUTSCH, *THE MENTALLY ILL IN AMERICA* (2d ed. 1949); DEUTSCH, *THE SHAME OF THE STATES* (1948).

¹⁶ See generally JOINT COMMISSION ON MENTAL ILLNESS AND HEALTH, *ACTION FOR MENTAL HEALTH* (1961).

¹⁷ It has been my personal experience and that of most of my colleagues with whom I have discussed the matter that legal psychiatry pays less in fees than almost any other type of psychiatric work. And certainly any psychiatrist who has been subjected to a grilling cross-examination on the witness stand will agree that legal psychiatry can be a very deflating, not aggrandizing, occupation. Because it does pay so badly and is so ego-deflating, it is very difficult to attract the better trained and more competent psychiatrists to engage in forensic practice.

¹⁸ For specific refutations of the conclusions Szasz draws from such cases, see Guttmacher, *Critique of Views of Thomas Szasz on Legal Psychiatry*, 10 *ARCHIVES OF GEN. PSYCH.* 238 (1964).

¹⁹ SZASZ 193-98.

ill to stand trial and was committed to a New York hospital for the criminally insane. Szasz, stating, "I do not know what the psychiatric findings were in this case," then proceeds to use the case as proof that this was a conspiracy by "hired" psychiatrists to evade "by the psychiatric short-circuiting of this case . . . the so-called Negro problem." Later in the book, he refers to this case (as if his assumptions about Mrs. Curry and her motivation were proven facts) as evidence of the "shoddy pseudo-morality of a mental health ethic."²⁰

Szasz discusses at length the case of Jim Cooper.²¹ He obtained his information from a paper written by a lawyer, Frederick Wiseman, of the faculty of Boston University Law School. The paper was published in the *American Journal of Psychiatry* in 1961.²² I have some familiarity with this case and Wiseman's report of it. Although I did not examine the man, himself, I have had the opportunity of reading most of the many psychiatric reports concerning him. The program committee of the American Psychiatric Association had asked Wiseman to present this case before the May, 1961, meeting of the American Psychiatric Association because they believed it to be a shocking example of the breakdown of communication between the law and psychiatry. It was a case of such gross injustice that it called into question every aspect of the handling of the mentally ill criminal offender in Massachusetts—particularly, it cast doubt upon the usefulness and justice of the oft-heralded Briggs Law system of impartial experts used in that state.²³ In short, the case is that of a twenty-three year old man who killed his former fiancée. He demanded that he be convicted and executed, and he did everything within his power to interfere with his proper legal defense. He underwent psychiatric examination by a Briggs Law panel who cleared him for trial and asserted his legal responsibility despite the existence of evident gross mental pathology which the examiners completely ignored.²⁴ The defendant demanded and received the death penalty. Nevertheless, his defense attorneys, with dedicated persistence and with deep conviction that the defendant was seriously mentally ill, finally managed to obtain an adequate psychiatric examination of their client. When the psychiatric findings were made known both the Commissioner of Mental Hygiene and the Commissioner of Correction recommended to the Governor that the sentence be commuted to life imprisonment. When Cooper was informed that the Governor was about to commute his sentence, he hanged himself.

At the May, 1961, meeting, Judge John Biggs,²⁵ another psychiatrist, and I were asked to discuss Wiseman's paper and to comment on the tragedy of

²⁰ *Id.* at 247.

²¹ *Id.* at 154-58.

²² Wiseman, *Psychiatry and Law: Use and Abuse of Psychiatry in a Murder Case*, 118 AM. J. PSYCH. 289 (1961).

²³ The Briggs Law, named after Dr. L. Vernon Briggs, a pioneer in Massachusetts legal psychiatry, was adopted by Massachusetts in 1921. It was an attempt to eliminate the "battle of the experts" by the appointment of an impartial panel of experts who prior to trial examine all defendants who have been previously convicted of a felony or who are charged with a capital offense. The Briggs Law is highly regarded by most forensic psychiatrists, although this reviewer has never approved of it. See Diamond, *The Fallacy of the Impartial Expert*, 3 ARCHIVES CRIMINAL PSYCHODYNAMICS 221 (1959).

²⁴ See note 22 *supra*.

²⁵ Recipient of the Isaac Ray Award of the American Psychiatric Association, author of *The Guilty Mind: Psychiatry and the Law of Homicide* (1955), and author of the opinion in *United States v. Currens*, 290 F.2d 751 (1961).

injustice therein portrayed. To the three of us who were discussants there was no doubt as to the moral of the case. Once again the rigidities and technicalities of the law had joined with the ineptitudes and superficialities of forensic psychiatry to condemn a mentally ill defendant to death. Competent psychiatric help was obtained only with difficulty and too late to prevent the terrible self-destructiveness of the defendant's mental illness. Once again psychiatry was too little and too late.

In *Law, Liberty and Psychiatry*, Szasz quotes extensive details of Cooper's case to prove, of all things, that Cooper was a victim of a conspiracy of his defense attorneys and psychiatrists who by purchased, and by inference, perjured, psychiatric evidence effected a "redefinition of Cooper's human condition from dignified defendant to pitied patient" and thereby deprived Cooper of his constitutional right to be executed in the electric chair.

Szasz devotes an entire chapter to "The Abridgement of the Constitutional Rights of the Mentally Ill."²⁶ The "victims of psychiatry," who are defined as "*patients*" through the "abominations" of legal proceedings authorizing involuntary hospitalization and treatment, have been deprived of their constitutional rights given by the fourth, fifth, sixth, seventh, eighth, thirteenth, fourteenth and fifteenth amendments. The "hired" psychiatrists ("hired" is one of Szasz' favored appellations for a psychiatrist), through their subversive mental health ethic are thereby undermining the Constitution of the United States. "The spirit of the welfare state, inflamed by the therapeutic ambitions of the mental health professions, is inimical to individual liberties and the institutions of a free society that make such liberties possible."²⁷ Psychiatry and mental health subvert our democracy, substitute the welfare state and the "therapeutic state" for individual responsibility and morality and we end up, apparently says Szasz, with Communism and Facism.

Szasz is fond of history and he frequently uses historical examples to bolster his arguments. His history is generally taken out of his own previous book, *The Myth of Mental Illness*.²⁸ Readers of *Law, Liberty and Psychiatry* should be aware that the former book presents a view of the history of psychiatry which is peculiar, to say the least. The great physicians who were responsible for the historical development of modern psychiatry were generally, in Szasz' view, dupes, stupid or dishonest. At best, they were misled by the machinations, deceptions, and criminality of their patients into inventing the false medical doctrine that there is such a thing as "mental disease."²⁹

²⁶ SZASZ 182-90.

²⁷ *Id.* at 221.

²⁸ SZASZ, *THE MYTH OF MENTAL ILLNESS* (1961).

²⁹ Szasz, who was trained as a Freudian psychoanalyst, has recently turned his attack upon Freud, himself. In an article written, in my opinion, in a singularly vulgar, inappropriate style, he condemns Freud as having "adopted the kind of leadership typical of big business or of imperialistic nationalism." Szasz, *Freud as a Leader*, 23 ANTIOCH REV. 133 (1963). Throughout much of Szasz' recent writings (as in *The Myth of Mental Illness*), he seems to regard hysteria as the model for all other forms of mental illness; and as he considers hysteria to be a form of malingering (which it is not), most, if not all, mental illness is a manifestation of deceit and fakery. Thus, it follows in Szasz' reasoning, Charcot, Freud, Janet, and most other great pioneers of psychiatry were duped and deceived by their patients when they failed to recognize that mental illness is nothing more than "a myth, whose function it is to disguise and thus render more palatable the bitter pill of moral conflicts in human relations." Szasz, *The Myth of Mental Illness*, 15 AM. PSYCHOLOGIST 113-18 (1960).

Szasz also makes adept use of the non sequitur. *Law, Liberty and Psychiatry* abounds with them. Examples: "In recent decades, outstanding psychiatrists have included among the symptoms of mental illness such things as a dislike of Negroes and Jews, or a preference for Fascism over democracy." Therefore, "Every ethical principle has thus been interpreted as a sign of either mental health or sickness."³⁰ Or: "Murder is an offense not against the murdered person, but against the state." Therefore, "The chief purpose of the criminal law . . . is to regulate the relationship between individuals and governments."³¹ In discussing the "guilt-relieving function of the law," Szasz states: "In effect, then, the psychiatrist is asked by the court to give it assurance that it can proceed with punishment without feeling guilty." Therefore: "This may account for the fact that whether psychiatrists testify for the defense or for the prosecution, they almost always find the defendant mentally ill and irresponsible."³² This last statement is one of many which are so palpably false that Szasz must know that the facts are to the contrary.³³ I can only conclude that Szasz, in his eagerness to construct his argument, and in his zeal to portray the psychiatrist in a certain image, has lost all regard for the intellectual honesty and integrity of his own scholarship.

What is the image of the psychiatrist that Szasz creates? It is, indeed, a nasty one. The psychiatrist is a "hire[d] henchman"³⁴ who railroads the helpless and hapless to state hospitals (which are really prisons) at the behest of their husbands and wives acting as "the bosses of crime syndicates."³⁵ Psychiatrists are power-hungry despots who wish to enslave a minority group—the mentally ill. "It is the official position of the American Psychiatric Association that physicians should have unrestricted power to commit."³⁶

The psychiatrists, according to Szasz, are authoritarians who masquerade as liberals and humanists: "As it is, so-called psychiatric liberalizations—for instance of abortion laws, commitment procedures, or the disposition of criminals—are attempts to medicalize, not to liberalize. Such measures give doctors, and especially psychiatrists, the power to control aspects of personal con-

³⁰ Szasz 247.

³¹ *Id.* at 183.

³² *Id.* at 112.

³³ I estimate that psychiatrists in the San Francisco Bay area who are appointed by the courts to examine defendants who have entered a plea of not guilty by reason of insanity find the defendant sane and responsible for his actions fully ten times as often as they report that the defendant is insane and not criminally responsible. I doubt that the proportion in Szasz' own state of New York is much different. It is only in the District of Columbia, where, because of the *Durham* rule (*Durham v. United States*, 214 F.2d 862 (1954)) sociopathic personality disorders are usually considered as mental illness and a verdict of not guilty by reason of insanity ordinarily follows. Hence, in that jurisdiction, it would certainly be correct to say that a larger proportion of defendants are found by the testifying psychiatrists to be mentally ill and irresponsible. But it would not be proper even in the District of Columbia to say, as does Szasz, "almost always."

³⁴ Szasz 185.

³⁵ *Id.* at 184-85.

³⁶ *Id.* at 61. This statement by Szasz is simply not true. This reviewer is a member of the committee on law and psychiatry of the American Psychiatric Association and served as its chairman during 1962-63. Never has the committee or any other official of the American Psychiatric Association advocated such "unrestricted power."

duct. . . ."³⁷ We psychiatrists are, for sure, an evil lot. But worst of all, in Szasz' eyes, we are all subversive. Psychiatry and the mental health program—particularly community psychiatry—are Communist inspired. We advocate the "Therapeutic State,"³⁸ clearly a step towards "Soviet Law" which is itself an "Instrument of Mental Health."³⁹

Earlier in this Review I spoke of *Law, Liberty and Psychiatry* as a dangerous book. This danger is magnified because there is a central core of truth to just about everything about psychiatry to which Szasz takes objection. There have been patients who were railroaded by their spouses. Psychiatrists have been "for hire." There are some hospitals which are, in truth, worse than prisons. Defendants have been deprived of their constitutional right to a fair trial by being declared mentally incompetent. Valid wills have been circumvented through psychiatric testimony. Patients sometimes do perceive their psychiatrists as their adversaries, and psychiatrists sometimes do behave in despotic, authoritarian ways. I even suppose that some psychiatrist, somewhere, has been a card-carrying Communist.

But a reader of *Law, Liberty and Psychiatry* who takes the book seriously could only conclude that this is all there is to psychiatry and the mental health movement—nothing but fraud, deceit, oppression, despotism and subversion. One of the severest critical skeptics of the psychiatric, psychoanalytic and sociologic approaches towards delinquency is Barbara Wootton. Szasz quotes her in support of his claims. He would do well to attend to one statement of Lady Wootton:

Without question, therefore, in the contemporary attitude towards anti-social behaviour, psychiatry and humanitarianism have marched hand in hand. Just because it is so much in keeping with the mental atmosphere of a scientifically-minded age, the medical treatment of social deviants has been a most powerful, perhaps even the most powerful, reinforcement of humanitarian impulses; for to-day the prestige of human proposals is immensely enhanced if these are expressed in the idiom of medical science. Indeed we might go so far as to say that, even if the intellectual foundations of current psychiatry were to be proved to be wholly unsound, and even if psychiatric "science" was exposed as nothing more than fantasy, we might yet have cause to be grateful for the result of so beneficent a delusion.⁴⁰

Today, in the United States, there is an insurgence of extremist, radical right-wing political influence. Szasz offers them a battle cry: "Liberty Against Psychiatry."⁴¹ These extremist groups seize eagerly upon such slogans. They will heartily endorse most of the content of *Law, Liberty and Psychiatry*. To them, this book will be the proof of what they have been claiming for years: that the real danger of the Communist conspiracy exists within, not without, our country, and its most prevalent disguise is mental health—its secret agents are the psychiatrists.⁴² The ultra-rightist and some conservatives who uncriti-

³⁷ *Id.* at 242.

³⁸ *Id.* at 216.

³⁹ *Id.* at 218.

⁴⁰ WOOTTON, *SOCIAL SCIENCE AND SOCIAL PATHOLOGY* 206 (1959).

⁴¹ SZASZ 6.

⁴² We share this dubious position with our colleagues, the dentists, who, through the fluoridation of water, are poisoning the minds of patriotic citizens. For a discussion of the

cally swallow their propaganda are not interested in the real record of psychiatric achievement; and the record is long and honorable, despite Szasz. For they will use Szasz' book as an instrument of obstruction, as a tool of reactionary retreat from hard-won progress in social reform. Let the reader make no mistake—the tool is a sharp and effective one; it could well amputate from the body politic a hundred years of progress in the humane care of the mentally ill, the dependent unfortunate, the sick and the poor.

Is Szasz, himself, an adherent of the radical-right? He has published in a right-wing magazine.⁴³ Is he a John Birch? Despite the fact that his book will be eagerly embraced by the John Birch Society, I think that Szasz would strongly disapprove of the authoritarianism of the extreme right-wing political movement. To me, he appears as a well-meaning advocate of extreme individual liberty and of a kind of old fashioned, devil-take-the-hindmost rugged individualism. His concern for the rights and dignity of the individual is wholly admirable. His convictions, however, incline so strongly towards social Darwinism that they completely obscure any element of humanistic compassion for those who by reason of disease, deficiency, poverty or misfortune do not stand equal to other more fortunate citizens before the law. Szasz believes that justice should be literally blind. To Szasz the Rule of Law means an inflexible law, an undiscriminating law, a law of absolutes. Justice is blind, and so must be the judge. He is not to look upon him who stands before the bench. As the law must not distinguish between the rich and the poor, the white man and the black, so it must not discriminate between the competent and the mentally disordered, the mentally defective, the sexual deviant and the socially helpless. There must be no individualism in the law, and no concessions, compassions, or help must be offered towards those who are less well equipped to survive the rigors of our competitive life.

Szasz states, "In a free society, a person must have the right to injure or kill himself."⁴⁴ It is incredible that Szasz, a psychiatrist of broad experience with so much concern for human dignity, fails to understand the necessity of protecting the severely mentally disordered against themselves. Szasz' statement, if literally applied, could only mean that the melancholic must be permitted to kill himself in despair and the schizophrenic to mutilate himself in delusional ecstasy.

Dr. Szasz believes in freedom and equality for all: that the law must not individualize or discriminate. The sane and the insane, the intelligent, competent man and the idiot, the hallucinated and the delusional must all have equal rights and equal freedom: the right and freedom to commit suicide, to mutilate and destroy oneself, to suffer the agonies of the damned and demented, and above all the right to die on the gallows for one's sins.

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association of fluoridation, mental health and Communism as claimed by right-wing extremists, see Auerback, *The Anti-Mental Health Movement*, 120 AM. J. PSYCH. 105 (1963).

⁴³ Szasz, *Psychiatry's Threat to Civil Liberties*, 14 NAT'L REV. 191 (1963).

⁴⁴ SZASZ 229.

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